## **REMARKS/ARGUMENTS**

Favorable reconsideration of this application is respectfully requested.

Claims 22-65 are pending in this application.

In the outstanding Official Action, the title was objected to and Claims 22-65 were rejected based upon the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-24 of U.S. Patent No. 6,556,473 and Claims 1-42 of U.S. Patent No. 6,707,711.

The objection to the title is believed to be overcome by the present amended title that adopts the suggested title in the outstanding Action to be more clearly indicative of the claimed invention. Accordingly, withdrawal of the objection is respectfully requested. The rejection of Claims 22-65 based upon the judicially created doctrine of obviousness-type double patenting over Claims 1-24 of U.S. Patent No. 6,556,473 and Claims 1-42 of U.S. Patent No. 6,707,711 is believed to be moot in view of the Terminal Disclaimer in compliance with 37 CFR §1.321(c) filed herewith. Accordingly, withdrawal of the rejection of Claims 22-65 based upon the judicially created doctrine of obviousness-type double patenting over Claims 1-24 of U.S. Patent No. 6,556,473 and Claims 1-42 of U.S. Patent No. 6,707,711 is believed to be in order.

3

Application No. 10/771,537 Reply to Office Action of 06/23/04

As no further issues are believed outstanding in the present application, it is believed to be clearly in condition for formal allowance. Accordingly, an early and favorable action to that effect is therefore earnestly and respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C.

Eckhard H. Kuesters Attorney of Record

Registration No. 28,870

Raymond F. Cardillo, Jr. Registration No. 40, 440

Michael Ph.D. Registration No. 40,294

Michael R. Casey, **Ph.D.**Registration No. 40,294

Customer Number 22850

Tel: (703) 413-3000 Fax: (703) 413 -2220 (OSMMN 06/04)